

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 09/763,981
Applicants: Amanda Maria Elsome et al.
Filed: May 23, 2001
Title: SENSING GASEOUS SUBSTANCES USING METAL COMPLEXES
T.C./A.U.: 1761
Examiner: Kelly J. Mahafkey
Confirmation No.: 3599
Docket No.: JMYT-233US

COMMENTS ON EXAMINER'S REASONS FOR ALLOWANCE

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SIR:

The applicants appreciate the time and effort spent by Examiners Mahafkey and Hendricks in connection with the language of the Examiner's Amendment. The Examiner's Amendment modified claims 1, 6, 7, 9, 10, 13, 15, 17, 20-22, and 29-33.

The applicants agree with the changes to claims 6, 7, 10, 15, 17, 22, 30, and 33.

With respect to claims 1, 9, 13, and 29, contrary to the indication in the Examiner's Amendment, the applicants did not expressly agree to the changes made in these claims. With the Examiner's amendment, claims 1, 9, 13, and 29 now include the phrase ". . . by the binding of the gaseous substance to the metal(s) atom of the complex to release a component from the metal co-ordinated complex creating a *detectable change to the sensor*." The applicants did not expect to see the words "to the sensor" at the end of claims 1, 9, 13, and 29. Nevertheless, the applicants accept the amendments to these claims for the following reasons.

These claims define the sensor as including a film comprising a sensor composition, wherein the sensor composition comprises a resinous material, a metal co-ordinated complex, and a component which releases from the complex. "To" is

the preposition that links the "detectable change" with the "sensor." "To" is defined by Webster's Online dictionary as having an "effect; end; or consequence."

It is therefore the applicants' understanding of the amendment to claims 1, 9, 13, and 29 that the phrase "*a detectable change to the sensor*" means that the detectable change may have an effect, end, or consequence on at least one component of the sensor, including the metal co-ordinated complex and/or the released component from the metal co-ordinated complex. This detectable change to the sensor can thus be observed by someone viewing the sensor and/or by an instrument.

This meaning is consistent with the teaching of the specification. A discussion of a detectable change to the metal co-ordinated complex (i.e., a detectable change to the sensor) is found at page 4, lines 16 and 17 of the specification which states that a Pd-Fluorexon complex is normally pink in color, but fluoresces strongly when the ligand is released. In addition, the specification discloses a detectable change to the released component from the metal co-ordinated complex (this is also "a detectable change to the sensor"). See for example page 4, lines 1-4 which states that the ligand, when released from the metal, provides the desired florescence or color change.

The applicants' understanding of the amended language to claims 1, 9, 13, and 29 is consistent with the Examiner's amendments to claims 20, 21, 31, and 32. The Examiner clarified the language of claims 20, 21, 31, and 32 such that upon release of the component, the sensor (i.e., the film of the sensor composition which comprises a resinous material, a metal co-ordinated complex, and a released component from the complex) exhibits a color change. On this basis, the applicants therefore also accept the changes made to these claims by the Examiner in the Examiner's Amendment.

Finally, the applicants appreciate the Examiner's thorough search of the prior art and the indication of a newly identified reference, Arnold et al. (WO 97/33177). The Examiner has identified features of the claims in the Examiner's Statement of Reasons for Allowance with respect to this reference. The applicants' invention is

defined by the entirety of each claim and not just by the specific features recited by the Examiner with respect to Arnold et al. (WO 97/33177).

Respectfully submitted,



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CRL/lrb

Dated: August 28, 2006

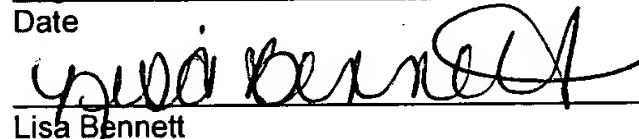
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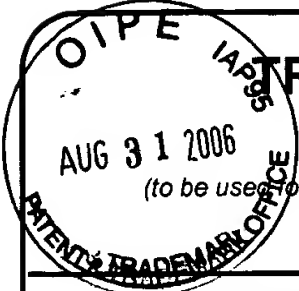
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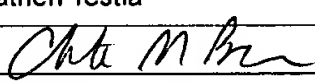
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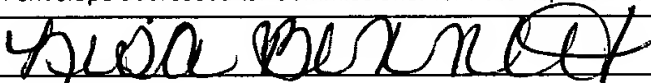
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